



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/532,290

04/21/2005

Paul M. Fulton

GB02 0178 US

8638

24738

7590

03/04/2008

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
370 W. TRIMBLE ROAD MS 91/MG
SAN JOSE, CA 95131

EXAMINER

PATEL, DHAVAL V

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,290	Applicant(s) FULTON ET AL.	
	Examiner DHAVAL PATEL	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/21/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-14 and 19 are objected to because of the following informalities:

Regarding claims 1 and 19, there are no transitional phrases, for example, "comprising", "consisting essentially of" and "consisting of" in the claims. The transitional phrases "comprising", "consisting essentially of" and "consisting of" define the scope of claim with respect to what unrecited additional component or steps, if any, are excluded from the scope of the claims.

Claim 1, line 3; "other devices" should be changed to "the other devices".

Claims 2-14 are objected because of dependent directly or indirectly upon claim 1 and claim 1 is objected.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 20, "software" is being recited; the subject matter is not limited to that which falls within a statutory category of invention (i.e. it is not a process, machine,

manufacture, or a composition of matter). Software is functional descriptive material and functional descriptive material is non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

4. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen et al. (US 7,245,649) (hereafter Haartsen).**

Regarding claims 1, 15 and 19 Haartsen discloses method and a first device (col. 5, line 24, pager device) for communicating with other devices (col. 5, line 24, plural scanner devices) using a frequency hopping wireless interface (col. 5, line 19, frequency hopping), the first device being arranged to send a sequence of messages each on a different frequency (col. 5 lines 47-51 discloses pager device transmitting pages message on sixteen different channels), for finding other devices within range, and being arranged to listen for a response during a subsequent response window (col. 6 lines 3-5, response window), on one or more response frequencies (col. 6 line 3-5, respond window must response to one of the sixteen frequencies), being a subset of

Art Unit: 2611

less than all possible response frequencies (col. 7 lines 1-5 discloses scanning hop sequences after removing interfered or occupied channels), and to receive return information from the other devices without needing to set up a frequency hopping connection (col. 7 lines 50-52, received signal strength {Interpretation: scanner device scanned the signal strength with paging device, thus the return information is signal strength and in case of bad signal strength indication or the signal where interference is present, connection is not established, thus frequency hopping connection is not necessarily established in case of bad signal strength}, the response window having a duration sufficient to receive more than one response (col. 6 line 3-11).

Regarding claim 2, Haartsen discloses the first device (col. 5 line 64, pager device), wherein the sequence of frequencies of the messages is predetermined (col. 5 line 65, sixteen hop channels) and related to the time of the start of the response window (col. 6 line 16).

Regarding claims 3 and 16, Haartsen discloses the first device of claim 1, being a mobile device (col. 1 line 40-45).

Regarding claim 4, Haartsen discloses the first device of claim 1, the sequence of messages having an indication of a response channel (col. 7 lines 12-22).

Regarding claim 5, Haartsen discloses the first device of claim 1, the return information having received signal strength information from the other device or devices (col. 7 lines 47-55, signal strength indication of the channels based on interference).

Regarding claim 6, Haartsen discloses the first device of claim 1, the return information having location information from the other device or devices (col. 1 lines 51-59).

Regarding claim 7, Haartsen discloses the first device of claim 1, the return information including frequency hopping and synchronization information (col. 6 lines 17-18, synchronized frequency hopping communication link).

Regarding claim 8, Haartsen discloses the first device of claim 1, the wireless interface being compatible with the Bluetooth standard (col. 4 line 10, col. 5 line 52, Bluetooth device).

Regarding claim 9, Haartsen discloses the first device of claim 1, the other device being a network access point (col. 4 lines 10-20 describes any wireless device with data communication capability).

Regarding claim 10, Haartsen discloses the first device of claim 4, the response channel indication comprising a four bit code (col. 6 lines 10).

Regarding claim 11, Haartsen discloses the first device of claim 4, the response channel indication being altered cyclically (col. 7 lines 43-46, col. 7 lines 56-58).

Regarding claim 12, Haartsen discloses the first device of claim 1, incorporating a mobile phone or mobile personal computer (col. 4 lines 10-15).

Regarding claim 13, Haartsen discloses an other device for use with the first device (col. 5 line 24, pager device) of 1, the other device (col. 5 line 24, scanner devices) being arranged to listen for one or more of the messages (col. 5 line 52, page message), to determine a time of the response window (col. 6 line 4, response window) after the sequence of messages (col. 5 line 55, train A has sequence of hop channels), and to send return information on that response frequency to the first device without needing to establish a frequency hopping connection(col. 7 line 51, based on received signal strength, connection is established, so in case of interference, signal strength has sent but connection is not established).

Regarding claim 14, Haartsen discloses the other device of claim 13, the messages including an indication of a response channel (col. 7 lines 50-52, received signal strength), and the other device being arranged to use the response channel indication to send a response (col. 7 lines 43-50).

Regarding claim 17, Haartsen discloses the method of claim 16, the return information having location information (col. 4 line 15, global positioning system), the service being a location based service (col. 4 line 12-14, data communication ability), and the mobile device incorporating a mobile phone (col. 4 line 12, cellular terminal).

Regarding claim 18, Haartsen discloses a group of access points (col. 4 line 11, wireless local area network has multiple access points), each incorporating an other device (col. 5; line 24, scanner devices) of claim 13, and coupled to provide location information (In case of positioning system, return information would be location information), or access to other telecommunications networks (col. 4. line 11, wireless networks).

Regarding claim 20, claim discloses all the subject matter as described in claim 15 except the software for first devices for use in the method (col. 3 lines 60, computer program product).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patel Dhaval whose telephone number is (571) 270-1818. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. Customer Service can be

Art Unit: 2611

reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dhaval Patel/
Acting Examiner of Art Unit 2611

/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611